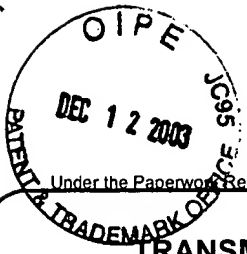


AF/BIB3



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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/639,441	
	Filing Date	08/15/2000	
	First Named Inventor	Okuniewicz, Douglas M.	
	Art Unit	3713	
	Examiner Name	Binh-An D. Nguyen	
Total Number of Pages in This Submission	7	Attorney Docket Number	A9658-69925

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David E. Mixon, Esq.
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Attorney Docket No.: A9658-69925
U.S. Patent Application No.: 09/639,441

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Okuniewicz, Douglas M.
Art Unit: 3713
Examiner: Binh-An D. Nguyen
Serial No.: 09/639,441
Filed: August 15, 2000
Title: PRINTING AND DISPENSING BONUSING SYSTEM FOR GAMING
DEVICES
Docket No.: A9658-69925

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO FINAL OFFICE ACTION DATED 10/09/2003

Dear Examiner Nguyen:

In response to the Final Office Action dated 10/09/2003, please consider the following remarks:

1.) Rejection of Claim 9 under 35 U.S.C. §112 for Lack of Written Description:

The Examiner has rejected amended Claim 9 of the present application for Lack of Written Description as required by 35 U.S.C. §112. Specifically, the Examiner alleges that the "read only detection means" limitation that was added to Claim 9 by amendment was not originally disclosed in the application.

In response, the Applicant asserts that Claim 9 as amended fully complies with the written description requirements of 35 U.S.C. §112. Specifically, embodiments of the "read only detection means" limitation are disclosed in the "Description of the Preferred Embodiment" section and Figures 1 – 2E of the application.

For example, the application specifically describes event detector devices **204a-o** (shown in Figures 1 – 2E) whose primary function is to unobtrusively detect event occurrences (Page 16, Lines 22 – 28). The event detector devices will detect the event occurrence "yet prevent modification of the event status due to the *one-way nature* of the

event detector devices (*emphasis added*)” (Page 17, Lines 2-6). Examples of embodiments of such event detector devices include: optical isolators or readers; electromagnetic pulse detectors; or other detectors directly or integrally attached to the gaming device (Pages 24, Line 24 –Page 25, Line 6; *also* Page 22, Lines 20-23).

The use of the terms “one-way nature” and “unobtrusively detect” to describe the function of the event detectors clearly indicate their use as a read only means of detecting an event. Further, the different embodiments described in the application are all read-only devices that are only capable of one way communication. The detection devices are described in the specification in such a way as to convey to one of ordinary skill in the art that the Applicant was in possession of a “read only detection means” as claimed in Claim 9. Consequently, Claim 9 meets all of the requirements for written description under 35 U.S.C. §112 and withdrawal of this rejection is respectfully requested.

2.) Rejection of Request for Declaration of an Interference

The Examiner has rejected Applicant’s request for a Declaration of an Interference between the pending Claims 1-10 of the present Application and Claims 1-6, 8-10, 13, 14, 17-22, 24-27, 29, and 32-34 of U.S. Patent 6,113,098 (“Adams”). However, MPEP §2306 states that “[a]n interference may be declared between an application and a patent if ... at least one of the applicant’s claims to that invention are patentable to the applicant.” Since the Examiner has issued a Final Office Action against Claims 1-10 of the present application, none of the pending claims are currently considered patentable.

Consequently, Applicant respectfully requests a withdrawal of the rejection of Applicant’s request for a Declaration of an Interference until such a time as a notice of allowance for this application is issued. At this time, Applicant’s request for a Declaration of an Interference can be properly decided in view of the patentable claims.

3.) Rejection of Claims 1-10 under 35 U.S.C. § 102(e)

Claims 1-10 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,816,918 issued to Kelly et al. (“Kelly”).

(a.) Claim 1:

With respect to Claim 1, the Examiner asserts that Kelly teaches a printing and dispensing bonusing system for electronic gaming devices comprising: “at least one detection means” (Column 6, Line 64 – Column 7, Line 51); “event detection sampling means” (Column 7, Line 19 – Column 8, Line 30); “event occurrence information signal computing means” (Column 7, Line 52 – Column 9, Line 8); and “at least one bonus printing/dispensing device” (Column 9, Line 9 – Column 10, Line 65).

The Applicant has previously argued that the key distinction between Kelly and the present invention is the nature of the inputs the microprocessors (See Section (4.)(a.) of Applicant’s previous response). Kelly specifically teaches user controlled inputs that affect the outcome of the game to some degree. In contrast, the present application *explicitly claims* a system for electronic gaming devices that receives inputs from the gaming logic through a circuit board of the device. These inputs are solely and completely controlled/generated by the gaming logic of the device. There is absolutely NO input from the user that can determine or affect the outcome of the game in any way whatsoever. Kelly teaches only the use of inputs that may directly affect the outcome of the game. Consequently, Kelly does not teach or disclose the use of inputs to the game microprocessor from a circuit board as claimed by the Applicant. Therefore, withdrawal of this rejection is requested.

The Examiner has stated that these arguments are unpersuasive because: (1.) this has not been claimed; and (2.) the signals of the input devices of Kelly would bring the same results as from the gaming system of the present invention. Both of these assertions are incorrect. First, inputs generated by the gaming logic are explicitly claimed. Each element of Claim 1 related to gaming logic is written in the “means plus function” format allowed by 35 U.S.C. §112 ¶6. Specifically, Claim 1 comprises: at least one detection means; event detection sampling means; and event occurrence information signal computing means. These elements clearly qualify as “means plus function” limitations as described in M.P.E.P. §2181 (Item B on Page 216 of Section 2100).

M.P.E.P. §2181 further states that “a claim limitation expressed in the means-plus-function language ‘shall be construed to cover the corresponding

structure described in the specification and equivalents thereof” (Page 217 of Section 2100). This means that means plus function claims shall be defined by what is described in their specification.

In the present application, the specification specifically describes a detection means that is “adapted for connection to an electronic apparatus”. This electronic apparatus is described as a circuit board 300 that is connected through a machine interface 202 to the electronic activity detector and command generator 200 that contains a Main Computing Unit (microprocessor) 240 as shown in Figure 1 (Page 16, Lines 8 – 11). Figure 1 also shows the input from the circuit board 300 explicitly labeled as “Machine Inputs”. The machine interface 202 may access the information sites *on the circuit board* and allow for the event occurrence data to be transferred to the programmable electronic activity detector and command generator 200 (*emphasis added*) (Page 16, Lines 18 – 21).

Therefore, Claim 1 will be limited to inputs to the game microprocessor that *originate from the gaming logic on the circuit board* of the device. In contrast, the Kelly teaches inputs that *originate from the user* and affect the outcome of the game. Due to the input of the users, Kelly will in no way have the same outputs as the present invention. The gaming logic on the circuit board completely controls and determines the results of the game without any input from the user. Consequently, Kelly does not teach or disclose the use of inputs to the game microprocessor from a circuit board as claimed by the Applicant. Therefore, withdrawal of this rejection is requested.

(b.) Claim 2:

With respect to Claim 2, the Examiner has submitted a list of six references that relate to the utilization of optical sensors. These were provided in response to Applicant’s request for either: (1.) an Examiner’s affidavit stating the use of optical sensors is well known in the art; or (2.) additional references that support this allegation.

However, if the Examiner wishes to rely on these additional references to reject Claim 2, a rejection based on 35 U.S.C. §102(e) is improper since it would rely on a combination of more than one cited reference. Furthermore, under M.P.E.P §706.07(a), “a second or any subsequent action on the merits in any application ... will not be made

final if it includes a rejection on newly cited art” (M.P.E.P §706.07(a), ¶2).

Consequently, Applicant respectfully requests a withdrawal of the Final Office Action and an issuance of a Non-Final Office Action that explains the grounds for this rejection if the Examiner wishes to maintain this rejection.

Additionally, since Claim 2 contains an optical sensors element that is narrower in scope than the corresponding element of Claim 1, Claim 2 is allowable for at least the same reasons as previously discussed in Section (3.)(a.).

(c.) Claims 3-8:

Since Claims 3-8 are dependent from independent Claim 1, Claims 3-8 are allowable for the same reasons as previously discussed in Section (3.)(a.).

(d.) Claim 9:

Claim 9 has been previously amended to include a “read only” limitation in the detection means element. Since Kelly does not teach or disclose the use of a read only detection means, Claim 9 is allowable over Kelly.

Additionally, since Claim 9 contains a detection means element that is narrower in scope than the corresponding element of Claim 1, Claim 9 is allowable for at least the same reasons as previously discussed in Section (3.)(a.).

(e.) Claim 10:

Since Claim 10 contains a similar detection means element as Claim 1 in both scope and limitation, Claim 10 is allowable for the same reasons as previously discussed in Section (3.)(a.).

(4.) Conclusion:

In view of the previous remarks, Claims 1 – 10 are now in condition for allowance. Withdrawal of all outstanding rejections and issuance of a Notice of Allowance for all pending claims is respectfully requested.

Please apply any additional fees or credits to Deposit Account #: 50-0954,
Reference #: A9658-69925.

Respectfully Submitted,



David E. Mixon
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12/09/2003
Date

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